

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12710 of the Washington Daily News Company, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 4101.41 to continue the use of a parking lot in the SP District at the premises 1213 "L" Street N.W. (Square 283, Lot 825).

HEARING DATE: July 26, 1978

DECISION DATE: August 2, 1978

FINDINGS OF FACT:

1. The subject property is located in an SP District at the northwest corner of the intersection of L and 12th Streets, N.W. and is known as 1213 L Street, N.W.

2. A row structure known as 1215 L Street separates the subject parking lot (application no. 12710) from 1217 L which is also a parking lot (application no. 12709). There are large apartment houses on Massachusetts Avenue, in addition to flats and rooming houses.

3. The owner of the subject property is the Washington Daily News. Rule 3.5 of the Supplemental Rules of Practice and Procedure requires that the owner of the real property, the lessee, if any, and the operator of the parking lot shall appear before Board. The owner of the said property was unable to attend the hearing and authorized his representative the Atlantic Garage, Inc., who is also the lessee and operator of the subject lot, to process this application. The Board, for good cause shown, waived the rule requiring the presence of the owner.

4. The Washington Daily News leases the subject site to Atlantic garage who sub-leases the property to the U.S. Catholic Conference.

5. The applicant proposes to continue the use of this parking lot in the SP District.

6. The lot, a non attendant lot is used by the staff of the U.S. National Catholic Conference. The sub-lessee is responsible for the maintenance and the cleaning of the lot.

7. All complaints and questions concerning the lot's operation are referred to the National Catholic Conference for their attention.

8. The Board granted an application to establish the subject site as a commercial lot by BZA Order No. 11286, dated June 12, 1973.

9. The lessee Atlantic garage, presently holds a month to month lease from the applicant. The lessee stated that the owner is considering selling the property at a future date that has not been determined.

10. The Municipal Planning Office did a site inspection of the site and found a "For Sale" sign on the property. The site was also found to be in general compliance with the previous order of the Board.

11. The lessee testified that he had received no complaints as to the lot's operation.

12. The Department of Transportation by memorandum dated July 11, 1978, recommended that the application be granted for no longer than four years. It noted that it is the policy of the Department of Transportation to begin to phase out commuter parking lots in areas that are well serviced by MetroRail and bus. DOT also found the lot to be clean and well kept. It noted that it had received no complaints.

13. The Advisory Neighborhood Commission 2C by letter dated July 13, 1978 stated that it had no objection to the continuation of the parking lot.

14. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the record including the report from the Department of Transportation and the testimony from the Municipal Planning Office the Board concludes that the operation of this lot is so designed that it is not likely to become objectionable to adjoining and nearby property, because of noise, traffic or other objectionable conditions and that the present character and future development of the neighborhood will not be affected adversely by its use. Accordingly, it is ORDERED that the application is GRANTED subject to the following conditions:

- a. Approval shall be for a period of one (1) YEAR from the date of expiration of the previous Certificate of Occupancy which may be renewed at the discretion of the Board upon the filing of a proper application.
- b. All areas devoted to driveways, access lanes, and parking areas shall be maintained with a paving of material forming an all-weather impervious surface.
- c. An eight inch coping shall be erected and maintained along each side of all driveways to protect and the public space.
- d. Bumper stops shall be erected and maintained for the protection of all adjoining buildings.
- e. No vehicle or any part thereof shall be permitted to project over any lot or building line or on or over the public space.
- f. All parts of the lot shall be kept free of refuse or debris and shall be paved or landscaped. Landscaping shall be maintained in a healthy growing condition and in a neat and orderly appearance.
- g. No other use shall be conducted from or upon the premises and no structure other than an attendant's shelter shall be erected or used upon the premises unless such use or structure is otherwise permitted in the zoning district in which the parking lot is located.

- h. Any lighting used to illuminate the parking lot or its accessory building shall be so arranged that all direct rays of such lighting are confined to the surface of the parking lot.

VOTE: 4-0 (Theodore F. Mariani, Charles R. Norris, Chloethiel Woodard Smith, William F. McIntosh to grant; Leonard L. McCants not voting, not present)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____

Steven E. Sher

STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 11 SEP 1978

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.